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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
KE, PENG	

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/775,033	FRIEDMAN ET AL.	
	Examiner	Art Unit	
	Peng Ke	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27 and 42-67* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27 and 42-67* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 3/8/06.

Claims 1-27 and 42-67 are pending in this application. Claims 1, 42, and 67 are independent claims. In the Amendment, filed on 3/8/06, claims 1, 42, and 67 were amended.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 27 is rejected under 35 U.S.C. 101 because claim recites nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Claim 27 recites a modulated data signal carrying computer executable instruction.

Claim Rejections - 35 USC § 112

Claim 27 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 27 recites nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5-7, 9, 11, 13-27, 42, 43, 46-48, 50, 52, and 54-67 rejected under 35 U.S.C. 102(e) as being anticipated by Hochstedler US Patent 6,707,476.

As per claim 42, Hochstedler teaches a computer system operable to allow a user to control at least one computing element, said system comprising:

at least one computing element each having a pre-defined canonical user interface (UI) description associated therewith; (column 9, lines 30-60);

a universal console (UC) for controlling said at least one computing element and operable to store user preferences input to the computer system by the user; (column 8, lines 1-30)

wherein a computing element of said at least one computing element communicates its associated canonical UI to said UC; .(column 5, lines 20-40, calls to blood oxygen sensor are remote procedure calls)

wherein said UC generates a concrete UI description from said canonical UI and said stored user preferences; (column 8, lines 45-55, the replacement of the waveform window is an action-command) and

wherein a user thereafter utilizes said UC to control said computing element via said concrete UI by selecting at least one action-command. (column 5, lines 20-40, calls to blood oxygen sensor are remote procedure calls)

As per claim 43, Hochstedler teaches a computer system according to claim 42. Hochstedler further teaches wherein said selecting at least one action-command includes requesting information about the state of said at least one computing element. (column 5, lines 14-26; determining whether sensor is connected to the system is requesting the state of a computing element.)

As per claim 46, Hochstedler teaches a computer system according to claim 42. Hochstedler further teaches wherein said at least one computing element carries out said at least one action-command. (column 5, lines 20-40, calls to blood oxygen sensor are remote procedure calls)

As per claim 47, Hochstedler teaches a computer system according to claim 42. Hochstedler further teaches wherein said UC receives notifications from the at least one computing element. (column 5, lines 14-26; determining whether sensor is connected to the system is requesting the state of a computing element.)

As per claim 48, Hochstedler teaches a computer system according to claim 47. Hochstedler further teaches wherein said notifications include at least one of an error message, warning message, status update message and state change. (column 5, lines 25-43)

As per claim 50, Hochstedler teaches a computer system according to claim 42. Hochstedler further teaches wherein said selecting at least one action-command includes requesting a list of available devices that may be controlled by UC. (column 5, lines 25-43)

As per claim 52, Hochstedler teaches a computer system according to claim 42. Hochstedler further teaches wherein said computing element is one from the group of a computing device and an application. (column 5, lines 25-43; a blood oxygen sensor is a computing device)

As per claim 54, Hochstedler teaches a computer system according to claim 42. Hochstedler further teaches wherein said canonical Ul description includes a description associated with a parameter for choosing one element a from a set A. (column 8, lines 1-30)

As per claim 55, Hochstedler teaches a computer system according to claim 42. Hochstedler further teaches wherein said canonical UI description includes a description associated with a parameter for selecting a subset A' from a set A. (column 8, lines 1-30)

As per claim 56, Hochstedler teaches a computer system according to claim 42, wherein said canonical UI description includes a description associated with a parameter for selecting one from the group of True/False, Off/On, OK/Cancel and Yes/No. (column 6, lines 32-50; Do nothing is off and automatically switch layout is on)

As per claim 57, Hochstedler teaches a computer system according to claim 42. Hochstedler further teaches wherein said canonical UI description includes a description associated with a parameter for selecting an integer n in the range n1 through n2, with increment. (column 8, lines 1-10)

As per claim 58, Hochstedler teaches a computer system according to claim 42. Hochstedler further teaches wherein said canonical UT description includes a description associated with a parameter for selecting a real number x in the range x 1 through x2, with increment. (column 8, lines 1-10)

As per claim 59, Hochstedler teaches a computer system according to claim 42. Hochstedler further teaches wherein said canonical UI description includes a description associated with a parameter type for an arbitrary string s. (figure 7, items 124, 125,128, 130)

As per claim 60, Hochstedler teaches a computer system according to claim 59. Hochstedler further teaches wherein said arbitrary string s is to be selected from a suggestion set of strings S. (column 6, lines 32-50)

As per claim 61, Hochstedler teaches a computer system according to claim 42. Hochstedler teachers wherein said canonical UI description includes a description associated with a parameter type for the modification of a given first string s, resulting in a second string s'. (column 6, lines 32-50)

As per claim 62, Hochstedler teaches a computer system according to claim 42. Hochstedler teachers wherein said canonical UI description includes a description associated with a parameter type for ordering the elements of set A into A'. (column 6, lines 32-50)

As per claim 63, Hochstedler teaches a computer system according to claim 42, wherein said canonical UI description includes a description associated with a parameter type for pairing set A elements with set B elements. (column 6, lines 32-50)

As per claim 64, Hochstedler teaches a computer system according to claim 42, wherein said canonical U1 description includes a description associated with a group construct that contains at least one of commands and subgroups. (column 6, lines 32-50)

As per claim 65, Hochstedler teaches a computer system according to claim 42, wherein said canonical UI description includes a description associated with a command construct that specifies at least one action to send to the controlled element that will carry out the action-command. (column 5, lines 14-26)

As per claim 66, Hochstedler teaches a computer system according to claim 65, wherein said canonical UI description includes a description of the parameters associated with the at least one action. (column 8, lines 1-10)

As per claim 67 is rejected with the same rationale as claim 42. Supra.

As per claim 1, 2, 5-7, 9, 11, 13-25, they are the method claims of claims 42, 43, 46-48, 50, 52, 54-66.

As per claims 26 and 27, they are the computer readable medium and modulated data signal claims of claim 42 and are thus rejected on the same basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 4, 8, 10, 12, 44, 45, 49, 51, and 53are rejected under 35 U.S.C. 103(a) as being unpatentable over Hochstedler US Patent 6,707,476 further in view of Paroz 6,587,125.

As per claim 44, Hochstedler teaches a computer system according to claim 42. However, Hochstedler further teaches wherein a user of said UC interacts with at least one group hierarchy to obtain data in connection with said selected at least one action-command to be carried out by the computing element.

Paroz teaches a user of said UC interacts with at least one group hierarchy to obtain data in connection with said selected at least one action-command to be carried out by the computing element (software intermediaries) (Fig. 1& Fig. 1, col. 7, lines 5-15).

It would have been obvious to an artisan at the time of the invention to include Paroz's teaching with method of Hochstedler in order to simplify users' selection choice.

As per claim 45, Hochstedler teaches a computer system according to claim 42. However, Hochstedler further teaches wherein said storage of user preferences includes the storage of data indicating at least one disability of the user.

Paroz teaches storage of user preferences includes the storage of data indicating at least one disability of the user.(customizable/unique and different from user interface of first application) (column 11, lines 64-67)

It would have been obvious to an artisan at the time of the invention to include Paroz's teaching with method of Hochstedler in order to simplify users' selection choice.

As per claim 49, Hochstedler teaches a computer system according to claim 42. Hochstedler fails to teach canonical UI description is formatted according to an XML stream.

Paroz teaches canonical UI description is formatted according to an XML stream. (column 10, lines 45-51)

It would have been obvious to an artisan at the time of the invention to include Paroz's teaching with method of Hochstedler in order to transfer UI canonical through web protocol.

As per claim 51, Hochstedler teaches a computer system according to claim 42. Hochstedler fails to teach wherein communications between said UC and said computing element are made via Hypertext Transfer Protocol (HTTP).

Paroz teaches communications between said UC and said computing element are made via Hypertext Transfer Protocol (HTTP). (column 3, lines 21-28)

It would have been obvious to an artisan at the time of the invention to include Paroz's teaching with method of Hochstedler in order to information through world wide web.

As per claim 53, Hochstedler teaches a computer system according to claim 42. Hochstedler fails to teach wherein said remote procedure call mechanism makes calls according to Simple Object Activation Protocol (SOAP).

Paroz teaches remote procedure call mechanism makes calls according to Simple Object Activation Protocol (SOAP).

It would have been obvious to an artisan at the time of the invention to include Paroz's teaching with method of Hochstedler in order to effectively process remote procedure call.

As per claim 3, it is of the same scope as claim 44. Supra.

As per claim 4, it is of the same scope as claim 45. Supra.

As per claim 8, it is of the same scope as claim 49. Supra.

As per claim 10, it is of the same scope as claim 51. Supra.

As per claim 12, it is of the same scope as claim 53. Supra.

Response to Argument

Applicant's arguments with respect to claims 1-27 and 42-67 have been considered but are deemed to be moot in view of the new grounds of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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